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NIXON PEABODY LLP - PATENT GROUP
CLINTON SQUARE
P.O. BOX 31051
ROCHESTER, NY 14603-1051

In re Application of CHAI et al :
U.S. Application No.: 10/562,778 :
PCT Application No.: PCT/AU2004/000873 :
Int. Filing Date: 30 June 2004 :
Priority Date Claimed: 01 July 2003 : DECISION
Attorney Docket No.: 2354/370 :
For: METHODS AND COMPOSITIONS FOR :
TREATING DISORDERS OF THE :
EXTRACELLULAR MATRIX :

This is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.497(d)" filed 16 April 2007.

BACKGROUND

On 30 June 2004, applicant filed international application PCT/AU2004/000873, which claimed priority of an earlier Australia application filed 01 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 13 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 01 January 2006.

On 29 December 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 05 April 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 July 2006, applicant filed an executed declaration.

On 13 November 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 27 July 2006 listed inventors who are not listed as inventors in the international application.

On 12 December 2006, applicant filed a petition under 37 CFR 1.497(d).

On 09 February 2007, this Office mailed a decision dismissing the 12 December 2006 petition.

On 16 April 2007, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Mark Cooper and Zemin Cao should be added as inventors and that the first and last names of the first listed inventor were transposed in the international application.

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see §3.73(b) of this chapter).

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 June 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 July 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459